

HOUSE BILL REPORT

HB 1935

As Reported by House Committee On:
Health Care & Wellness
Health & Human Services Appropriations

Title: An act relating to adult family homes.

Brief Description: Concerning adult family homes.

Sponsors: Representatives Morrell, Walsh, Cody, Orwall, Kenney, Bailey, Miloscia, Green, Kelley and Williams.

Brief History:

Committee Activity:

Health Care & Wellness: 2/12/09, 2/20/09 [DPS];

Health & Human Services Appropriations: 2/25/09, 2/26/09 [DP2S(w/o sub HCW)].

Brief Summary of Second Substitute Bill

- Requires the Department of Social and Health Services to establish a specialty license recognizing adult family home operators who successfully complete the program at the University of Washington School of Nursing.
- Requires restrictive covenants to be updated to take into consideration legislative findings with regard to the public interest aspects that underlie adult family homes.
- Prohibits restrictive covenants and governing documents of homeowners' associations from limiting persons or legal entities from operating licensed adult family homes or from prohibiting persons with disabilities from living in a licensed adult family home.
- Sets the licensing and renewal fees for adult family homes in the biennial operating budget.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by 13 members: Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen,

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Ranking Minority Member; Bailey, Campbell, Clibborn, Green, Herrera, Hinkle, Kelley, Moeller, Morrell and Pedersen.

Staff: Dave Knutson (786-7146)

Background:

Adult Family Homes are facilities that provide residential care and treatment for up to six individuals. They are typically located in residential neighborhoods. The Department of Social and Health Services (DSHS) is following a policy of meeting the residential care needs of clients in facilities with a home-like setting. As the elderly population increases, there will be a need for additional residential facilities in residential areas. The Legislature authorized the University of Washington through the School of Nursing to offer a geriatric certification and testing program for adult family home operators through a budget proviso in the biennial operating budget. The role of the DSHS in recognizing adult family home operators who successfully complete the program at the School of Nursing was not clearly defined.

Summary of Substitute Bill:

The DSHS will establish a specialty license recognizing adult family home operators who successfully complete the program at the School of Nursing. Restrictive covenants that have the effect of limiting the ability of people with disabilities to live in the residence of their choice, including adult family homes, are void. The \$50 licensing and renewal fees for adult family homes are deleted, and the amount will be set in the biennial operating budget.

Substitute Bill Compared to Original Bill:

The \$50 licensing and renewal fees for adult family homes are deleted, and the amount will be set in the biennial operating budget.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Many people with disabilities are discriminated against because restrictive covenants prohibit them from living in an adult family home in residential neighborhoods. The Legislature established a special training program at the University of Washington School of Nursing for adult family home providers, but did not provide a mechanism for the

DSHS to establish a specialty license recognizing providers who successfully complete the program.

(Opposed) None.

Persons Testifying: Representative Morrell, prime sponsor; Dan Simnioniw, Washington State Residential Care Coalition; Bonnie Bruce, Clark County Adult Family Home Association; and Louise Ryan, Long-Term Care Ombudsman.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by 10 members: Representatives Pettigrew, Chair; Seaquist, Vice Chair; Appleton, Cody, Dickerson, Miloscia, Morrell, O'Brien, Roberts and Wood.

Minority Report: Do not pass. Signed by 5 members: Representatives Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Ericksen, Johnson and Walsh.

Staff: Carma Matti (786-7140)

Summary of Recommendation of Committee On Health & Human Services Appropriations Compared to Recommendation of Committee On Health Care & Wellness:

The second substitute bill clarifies existing law regarding legislative findings on the public interest in adult family homes to include the need to reduce institutionalization and the legislative and judicial mandates to provide care to individuals in the least restrictive setting available. The Legislature finds that covenants that restrict or prohibit the use of property for adult family homes are contrary to the public interest, discriminate against individuals, and are in violation of Washington's Law Against Discrimination. Retroactively and prospectively, covenants and governing documents of homeowners' associations are restricted from limiting persons or legal entities from operating licensed adult family homes or from prohibiting persons with disabilities from living in a licensed adult family home. A severability clause is added.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There have been many instances where homeowners' associations have attacked adult family home owners and have caused a lot of grief for the owners as well as stress for the seniors living in the home. It is time to codify in state law that which already exists in federal law to prevent these kinds of actions from happening. Adult family home owners have spent thousands of dollars defending their clients' rights to live in their neighborhoods. Adult family home owners have been taking the certification program at the University of Washington for two years and have found it to be a great asset. The course allows adult family homes to step up their professionalism. When getting an initial license, owners pay \$100 in Washington. Similar licenses in other states are over \$1,000 so there is no objection to increasing the initial licensing fee.

(Opposed) None.

Persons Testifying: Dan Simnioniw, Washington State Residential Care Council; Bonnie Bruce, Clark County Adult Family Home Association; and Louise Ryan, Office of the Long-Term Care Ombudsman.

Persons Signed In To Testify But Not Testifying: None.